

By Senator Cofer:

Sherman, Texas, August 23, 1910.

Hon. R. E. Cofer, State Senator, Austin, Texas.

Carpenters' Union, No. 197, as members of the Texas State Federation of Labor, joins organized labor in demanding that the Senate pass the well-known "Spider Bill." We demand that you use your vote and influence to get this bill passed. Please print in the Journal.

W. A. BROWN, Secretary.

Denison, Texas, August 23, 1910.

Mr. R. E. Cofer, care Senate Chamber, Austin.

Tinners' Local 179 endorses the "Spider Bill" and would like you to do all in your power to have it passed and all other bills in favor of labor. Please have this printed in the Journal.

W. M. CREIGHTON,
Fin. and Rec. Secretary.

By Senator Terrell of Bowie:

Texarkana, Texas, Aug. 23, 1910.

Hon. J. M. Terrell, Austin, Texas.

At a meeting of the Central Labor Council last night a resolution was adopted to request that you vote for the "Spider Bill" now pending. Anything you can do for this bill will be appreciated by this body. Please print in Journal.

TEXARKANA CENTRAL LABOR
COUNCIL.

W. H. VONTIERCKS, President.

C. E. WHITE, Secretary.

By Senator Bryan:

Big Springs, Texas, Aug. 22, 1910.

W. J. Bryan, State Senator, Austin.

We, the J. R. C. of A. urge you to support the "Car Shed Bill" now pending in the Legislature.

E. O. PRITCHARD,

D. H. CLINGAN,

S. H. WALLIS,

Local Protective Board.

Baird, Texas, August 22, 1910.

Hon. W. J. Bryan, State Senator, Austin, Texas.

The members of Baird Lodge, No. 228, B. R. C. of A., of Baird, urge you to use your influence and support the "Car Shed Bill" that has the endorsement of our chairman, G. T. Johnson, and Labor Department. Respectfully,

I. M. ANDREWS.

SIXTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, August 25, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Greer.

Meachum.

Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 25, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 2, and the following has been appointed on the part of the House: Messrs. O'Bryan, Cox, Porter, Ross and Kennedy.

Also adopted the Free Conference Com-

mittee report on Senate bill No. 2 by the following vote: Yeas, 94; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 14, referred to Finance Committee.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 23, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointment:

L. C. Wise of Taylor county, member of the Board of Managers of the State Epileptic Colony, Abilene, Texas, vice Dr. L. L. Grizzard, deceased.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Cofer moved that the Senate go into Executive Session at 11:45 o'clock today for the purpose of considering the above appointment by the Governor.

The motion was unanimously adopted. Morning call concluded.

SENATE BILL NO. 6.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old

corporation, after the sale of its property and franchise, and declaring an emergency."

The committee report, which provided that the bill be printed in the Journal, was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill by inserting the following as Section 3 and number old Section 3, Section 4:

"Section 3. The limitations and conditions imposed by this act upon the purchaser or purchasers of any such property and franchises, taking same at any such sale, subject to the payment by such purchaser or purchasers of all the subsisting liabilities, claims and demands of any such railway company, as provided in Article 4549 herein, and the provisions in Article 4550 herein, that the property and franchises so purchased shall be subject to the same liabilities, claims and demands in the hands of the new corporation as in the hands of the sold out corporation, shall not apply to the sale of any railway property and franchises sold under foreclosure of a mortgage securing bonds, all of which bonds were authorized issued and registered, and which mortgage was executed and registered subsequent to the enactment of the 'Stock and Bond Law,' same being Chapter 14, of Title 94, of the Revised Statutes of the State of Texas of 1895."

Pending.

Senator Brachfield moved that further consideration of the bill be postponed until 3 o'clock today.

The motion prevailed.

On motion of Senator Sturgeon, the Senate was at ease subject to the call of the Chair.

IN SESSION.

At 11:45 o'clock the Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE SESSION.

The Chair announced that the hour had arrived for the Senate to go into executive session for the purpose of considering an appointment sent to the Senate today. The Senate Chamber was cleared of those not entitled to remain.

In executive session the following confirmation was made:

L. C. Wise of Taylor county, to be a member of the Board of Managers of the State Epileptic Colony at Abilene.

IN THE SENATE.

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

By Senator Alexander:

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on Senate bill No. 2, have had the same under consideration and have adjust the differences between the two houses, and respectfully recommend the following:

First—That the word "ten" in line 1 of Section 1 and caption of the bill be stricken out and the word "seven" be inserted in lieu thereof.

Second—That Section 1 of the bill be amended by the addition of the following words to the end of the section: "And that the approval of the chairman of the Committee on Contingent Expenses of either house, and countersigned by the President of the Senate or the Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasury for the payment of any account so drawn against said fund."

Respectfully submitted,

ALEXANDER,
HARPER,
PEELER,
MURRAY,
KAUFFMAN,

On the Part of the Senate.

O'BRYAN,
COX,
ROSS,
PORTER,
KENNEDY,

On the Part of the House.

The above report was read and adopted by the following vote:

Yeas—29.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kauffman.	Terrell of Bowie.
Kellie.	Terrell of McLennan.

Terrell of Wise.	Watson.
Veale.	Weinert.
Ward.	

Absent—Excused.

Willacy.

Senator Alexander moved to reconsider the vote by which the report was adopted, and lay that motion on the table. The motion to table prevailed.

RECESS.

On motion of Senator Kellie, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SALARY OF OFFICERS AND EMPLOYEES FIXED.

The Chair here called the attention of the Senate to the fact that the resolution providing for the election of officers and employes did not fix the per diem to be paid them, whereupon

Senator Holsey moved that the salary of the officers and employes be fixed at \$5 per day, the pages \$2 per day and the porters \$2 per day.

Senator Watson offered the following as a substitute for the above motion:

Amend the resolution to read as follows:

"Resolved by the Senate, That all employes employed by the Senate for the Fourth Special Session of the Thirty-first Legislature be paid the same salary paid during the Third Special Session of the Thirty-first Legislature."

Senator Holsey moved to table the substitute, which motion to table was lost by the following vote:

Yeas—8.

Brachfield.	Mayfield.
Bryan.	Ratliff.
Cofer.	Terrell of Bowie.
Holsey.	Terrell of Wise.

Nays—16.

Adams.	Real.
Harper.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Absent.
 Alexander. Meachum.
 Greer. Perkins.
 Kauffman.
 Absent—Excused.
 Willacy.

The substitute was then adopted by the following vote:

Yeas—16.
 Adams. Real.
 Harper. Senter.
 Hudspeth. Sturgeon.
 Hume. Terrell of McLennan.
 Kellie. Veale.
 Murray. Ward.
 Paulus. Watson.
 Peeler. Weinert.

Nays—9.
 Brachfield. Mayfield.
 Bryan. Ratliff.
 Cofer. Terrell of Bowie.
 Greer. Terrell of Wise.
 Holsey.

Absent.
 Alexander. Meachum.
 Kauffman. Perkins.
 Absent—Excused.
 Willacy.

SENATE BILL NO. 6.

Action recurred on Senate bill No. 6, the question being on the amendment by Senator Hudspeth.

ADJOURNMENT.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed by the following vote:

Yeas—13.
 Adams. Peeler.
 Alexander. Real.
 Hudspeth. Senter.
 Hume. Terrell of McLennan.
 Kellie. Veale.
 Murray. Watson.
 Paulus. Weinert.

Nays—12.
 Brachfield. Ratliff.
 Bryan. Sturgeon.
 Cofer. Terrell of Bowie.
 Greer. Terrell of Wise.
 Holsey. Ward.
 Mayfield.

Absent.
 Harper. Meachum.
 Kauffman. Perkins.
 Absent—Excused.
 Willacy.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
 Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; providing for the verification of bills of lading by affidavit of local agent of carrier; prescribing form of such affidavit; providing for record of same, and fixing fee for taking same, and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions, prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with

reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency,"

Have had same under consideration, and beg to report favorable, and with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bills of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate as favorable, and with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 8, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in tomorrow morning's Journal.
MEACHUM, Chairman.

Following is the bill in full:

ENGROSSED RIDER.

Amend House bill No. 8, Section 2, by striking out in line 6 the word "it" down to and including the figures "1911" in line 12.

H. B. No. 8. By Moller, Byrne, Adams and Harman.

A BILL

To Be Entitled

An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and providing that persons, firms or corporations who shall receive for loading, storing or transportation any cotton, the condition of which shall be in violation of the provisions of this act, shall be liable in damages to the employees of such persons, firms or associations of persons or corporations for injuries sustained as the result of such improper and unlawful compressing of cotton; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, firm, corporation or association of persons,

owning or operating a compress in this State and their agents and employes are hereby required, in compressing, recompressing, baling or rebaling cotton bales, to so bind and tie every bale of cotton by them compressed, recompressed, baled or rebaled so that no such bale shall be delivered to any railroad company or other common carrier by such person, firm, corporation or association of persons, their agents or employes, unless such bale of cotton shall be free from all or any dangerously exposed ends of bands or buckles, or any dangerously exposed or obtruding part of the ties, bands, buckles or splices used in tying or binding such bale of cotton. And any such person, firm, corporation or association of persons, who shall fail to bind or tie any bale of cotton by them compressed, recompressed, baled or rebaled, in the manner above provided, and shall deliver or cause to be delivered any such bale of cotton to any railroad company or other common carrier, such person, firm, corporation or association of persons shall forfeit and pay to the State of Texas the sum of not less than fifty dollars (\$50), nor more than two hundred and fifty dollars (\$250), which may be recovered in a civil suit brought in the name of the State of Texas in a court of competent jurisdiction; provided, that any person, firm, corporation or association of persons receiving for storage, loading for transportation or transporting any such compressed bale or bales of cotton, in this State, containing any dangerously exposed ends of bands or buckles or any dangerously protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton shall be liable in damages for injury to any person in the employ of such person, firm, corporation or association of persons, occasioned by reason of such dangerously exposed ends of bands or buckles or any dangerously exposed or protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton while in the discharge of the duties of such employment. The duty of inspection of such bales of cotton shall be on the employer and not on the employe.

Sec. 2. It shall be especially the duty of the Commissioner of Labor and his deputies to see that the provisions of Section 1 hereof are observed and enforced and in pursuance thereof he shall

obtain and collect evidence of all violations of said provisions upon the part of persons, firms, corporations and associations of persons engaged in the business of compressing cotton, who shall fail to comply with the provisions of Section 1 hereof. It is further provided that the sum of five thousand dollars (\$5000), or as much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury, not already appropriated, for the use of the Bureau of Labor Statistics so as to enable its officers and deputies to perform their duties hereinbefore mentioned for the fiscal year ending August 31, 1911. The Commissioner of Labor shall file annual statement with the Governor showing in detail all expenses incurred by him in connection with his duties under this act.

Sec. 3. The fact that many persons are now being injured in handling dangerously compressed cotton, creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills shall be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred Senate bill No. 4, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the bill, Section 1, by adding after the words "shall erect and maintain a building" the following words "or shed."

Also amend Section 1 by striking out the word "fully" in the sentence of said section reading in part as follows: "Shall be sheltered from rain and fully protected from other inclement weather."

Also amend Section 2 by substituting for the words "and each day of such failure" the following words: "And each ten days of such failure."

And that same be not printed, but printed in the Journal.

BRACHFIELD, Chairman.

Following is the bill in full:

S. B. No. 4. By Senators Senter and Brachfield.

A BILL

To Be Entitled

An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, corporation or receiver engaged in repairing railroad cars or other railroad equipment, not including locomotives, shall erect and maintain a building at every station or other point where as many as five men are regularly employed on such repair work, the building to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment, except locomotives, shall be sheltered from rain and fully protected from other inclement weather.

The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only, on cars nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Sec. 2. Any person, corporation or receiver who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than \$50 nor more than \$100, and each day of such failure or refusal to comply with the provisions of this act

shall be considered a separate infraction authorizing the recovery of a separate penalty.

Suit for recovery of penalties hereunder shall be brought by the Attorney General of this State or by the county or district attorney of the county in which suit is brought, and the county or district attorney, as the case may be, shall receive a fee of ten per cent (10%) upon each penalty recovered and collected by him in addition to the fee allowed him by law at this time, and said fee shall be over and above the fee allowed him by law at this time, and said fee shall be over and above the fees allowed under the general fee act in force in this State.

Sec. 3. That Chapter 53 of the Acts of the Regular Session of the Thirty-first Legislature, entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather, of their employes while engaged in labor in the service of said railroad company," be and the same is hereby repealed; that this act shall take effect ninety days after the adjournment of this Special Session; but that all persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof.

Sec. 4. The importance of the legislation proposed in this bill and the probable early adjournment of the present session of the Legislature, rendering it improbable that this bill can be read on three several days in each house, creates an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and it is so enacted.

SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Friday, August 26, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Brachfield.
Alexander.	Bryan.